

# United States District Court

MIDDLE

DISTRICT OF

ALABAMA

UNITED STATES OF AMERICA

v.

CHRISTOPHER FOSTER

CRIMINAL COMPLAINT

CASE NUMBER: 2:07mj84-CSC

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 10, 2007, in Montgomery County and elsewhere within the Middle District of Alabama defendant, having previously been convicted of a felony offense did knowingly possess in or affecting commerce a firearm; knowingly and intentionally possessed marijuana, all in violation of Title 18 United States Code, Section(s) 922(g)(1); 21 United States Code, Section 844(a).

I further state that I am

a(n) ATF Task Force Officer and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED BY REFERENCE

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

  
Signature of Complainant

Sworn to before me and subscribed in my presence,

SEPTEMBER 27, 2007

Date

at Montgomery, Alabama  
City and State

Charles S. Coody, U. S. Magistrate Judge  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

AFFIDAVIT

Your affiant, Robert H. Green, having first been duly sworn, does state that the following information is true and correct to the best of his knowledge:

I have been employed as a law enforcement officer for the last twenty years with the Montgomery Police Department, Montgomery, Alabama, where I am currently assigned to the Detective Division, Robbery Homicide. In that capacity I have gained experience in the investigation of felony crimes occurring within Montgomery, Alabama.

For the last three and a half years I have been a sworn Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, and Firearms (ATF), assigned to investigate violations of Federal Firearms Regulations occurring in the Middle Judicial District of Alabama. In that capacity I have investigated numerous violations, including investigations involving convicted felons in possession of firearms, possession of firearms during drug trafficking crimes, possession of firearms by habitual drug users, and the illegal sale of firearms to convicted felons.

On April 10, 2007, a Montgomery Police Department Patrol Unit was in the 700 block of West Fairview Avenue when it observed a Blue Chevy Impala driving with its bright headlights on. Due to that traffic violation, the Patrol Unit conducted a traffic stop. As the Patrol Officer approached the vehicle, he looked in the window of the vehicle and saw a SKS Assault Rifle lying on the backseat in plain view. Due to the fact that the assault rifle was lying on the back seat, the driver, Christopher **FOSTER**, B/M, and the passenger, Lisa Foster, B/F, were removed from the vehicle to protect the safety of the officer. The officer then conducted a wing span search of the driver's compartment of the vehicle. A clear bag of green leafy like substance believed to be marijuana was found under the passenger's seat. Both subjects were transported to Montgomery Police Department, Vice and Narcotics Office where they were charged with possession of Marijuana 1<sup>st</sup> Degree. The Patrol Officer issued **FOSTER** a traffic ticket for failure to dim his headlights. A Narcotics Detective interviewed **FOSTER** after advising him of

his rights and **FOSTER** stated that the marijuana found under the passenger seat was his and that he had placed it underneath the seat to avoid detection. **FOSTER** also advised the Narcotics Detective that he had been using marijuana for about twenty years.

Since April 10, 2007, witnesses have reported to the police that Christopher **FOSTER** was in possession of a firearm and threatening them on at least two occasions. These incidents occurred on September 22, 2007, and September 23, 2007.

On September 26, 2007, your affiant conducted a criminal records check on Christopher **FOSTER** by calling the court clerk's office in Montgomery, Alabama, and determined that Christopher **FOSTER** has been convicted of the following felony offenses punishable by a term of imprisonment exceeding one year in the Circuit Court of Montgomery County: Rape 2<sup>nd</sup> Degree (1985); and Manslaughter (1999). Affiant has obtained a certified copy of **FOSTER's** conviction for Manslaughter.

On September 26, 2007, TFO Robert H. Green spoke with Bureau of Alcohol, Tobacco, Firearms and Explosives Special Agent Theron Jackson, interstate firearms nexus expert, who stated that a SKS Assault Rifle is not manufactured in the State of Alabama.

Pursuant to Title 18, United States Code, Section 922(g)(1), it is a violation of federal law for anyone who has been convicted in any court, for a crime punishable by imprisonment for a term exceeding one year, to possess a firearm which has traveled in interstate commerce. Pursuant to Title 21, United States Code, Section 844(a), it is a violation of federal law to possess a controlled substance. Marijuana is a Schedule I controlled substance.

Based upon the aforementioned, your affiant has sufficient probable cause to believe, and does believe, that Christopher **FOSTER** violated Title 18, United States Code, Section 922(g)(1) --

Unlawful Possession of a Firearm by a Convicted Felon; and Title 21, United States Code,  
Section 844(a) – Possession of a Controlled Substance.

A handwritten signature in cursive script, appearing to read "Robert H. Green", written over a horizontal line.

Robert H. Green, Affiant  
Task Force Officer, ATF

Sworn to and subscribed before me,  
this 21<sup>st</sup>, day of September, 2007

A handwritten signature in cursive script, appearing to read "Charles S. Coody", written over a horizontal line.  

CHARLES S. COODY  
United States Magistrate Judge